HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

And
HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

W.A. NO.463 OF 2006

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Between:

The District Collector, Guntur

..... Appellant

AND

Indo-American Super Specialities Limited,

Rep by Dr.K.Satyanarayana, Director and another.

.....Respondents

::JUDGMENT::

Counsel for the Appellant : Government Pleader for Land Acquisition.

Dated 27/4/2006

Per Sri G.S.Singhvi, CJ

This appeal is an example of litigious perseverance on the part of the state functionaries and in our opinion certainly a bad example. What the learned Single Judge has done while disposing of Writ Petition No.4118 of 2006 is to direct the non-petitioners (appellants herein) to supply copies of the documents asked for by the writ petitioners (respondents herein) for the purpose of effectively availing the opportunity to file objections in the enquiry being held under Section 5-A of the Land Acquisition Act, 1894 (for short 'the Act'). The learned Single Judge referred to Section 2(g) of the Right to Information Act, 2005 (for short 'the 2005 Act') and ruled that the non-petitioners could not refuse to supply copies of the documents which

have bearing on the acquisition of the land of the petitioners and without which they cannot effectively represent their cause in the enquiry being held under Section 5-A of the Act.

In our opinion, the order of the learned Single Judge is unassailable and there was no cause for the District Collector, Guntur and Special Deputy Collector-cum-Land Acquisition Officer, FAC, Vijayawada-Guntur-Tenali-Mangalagiri Urban Development Authority, Vijayawada to have filed this appeal. The officers concerned should have graciously accepted the mandate of one of the most progressive piece of legislation enacted by the Indian Parliament, which in our opinion will prove to be a milestone for the future of democratic set up of the country. The right of the common man to know the functioning of a democratic government is an integral part of the right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution and except in the cases covered by Section 8 of the 2005 Act, a public authority cannot withhold information concerning public activities of the Government or refuse to supply the documents asked for.

It has neither been suggested nor the learned Government Pleader has argued that the documents of which copies were asked for by the respondents relate to the security of the State or constitute part of the confidential decision making process of the Government. Rather, those documents relate to the proceedings initiated by the appellants for acquisition of the land belonging to the respondents. Therefore, no fault can possibly be found with the direction given by the learned Single Judge. In our considered view, the appellants would have been well advised not to indulge in this adventure of filing appeal against the innocuous order passed by the learned Single Judge and involve themselves in waste of public money.

We hope and trust that in future the public authorities will act with greater discretion and those who advise them would be more circumspect in suggesting challenge to the innocuous orders passed by the Courts. The aforementioned observations have been made by us not to suggest that the State and its functionaries are not entitled to avail statutory and constitutional remedies against the orders of the Court, but only with a view to impress upon them that the public authorities should not equate themselves with private litigants.

With the above observations, the writ appeal is dismissed.

As a sequel to the dismissal of the appeal, WAMP No.1019 of 2006 filed by the

appellants for grant of interim relief is also dismissed.

G.S.SINGHVI, CJ

Dt.27.4.2006

G.BHAVANI PRASAD, J

Msv / svs